

Maki Family Trust  
William Roger Maki, Eva J. Maki, Trustees  
P.O. Box 343, Nellysford, VA 22958

January 31, 2018

Nelson County Board of Zoning Appeals  
c/o Sandy Shackelford, Zoning Director  
80 Front Street  
Post Office Box 558  
Lovingston, Virginia 22949

**RE: Atlantic Coast Pipeline, LLC Request for Floodplain Ordinance Variance**

Dear Ms. Shackelford:

On January 16, 2018, Atlantic Coast Pipeline, LLC, (the Pipeline) submitted a request for multiple variances from the requirements of Article 10 of the Nelson County Zoning Ordinance. It proposes to construct a 42-inch diameter natural gas pipeline through several properties in the County's Floodplain District. The Maki Family Trust owns one of those properties, Tax Map # 21-A-113, located on the Rockfish River and mentioned in variance No. 2018-004. This information is from your Legal Notice of Public Hearing accompanying the letter you sent us dated January 22, 2018.

Only certain entities may apply for a variance or special exception from a zoning ordinance enacted under Virginia Code § 15.2-2280. Specifically, Virginia Code § 15.2-2310 provides that "[a]pplications for special exceptions and variances may be made by any property owner, tenant, government official, department, board or bureau." The Pipeline is neither an owner nor a tenant of our property, and its application for a variance on our property is therefore contrary to Virginia law.

This Board lacks jurisdiction to consider the request, and we ask that you promptly dismiss the matter in accordance with Virginia Code § 15.2-2310.

Thank you,

William Roger Maki and Eva J. Maki  
for Maki Family Trust

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